



RESPONSES TO INFORMATION REQUESTS (RIRs)

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22 July 2004

RUS42802.E

Russia: Update to RUS41401.E of 24 March 2003 on the residence registration system in Russia; its application in practice; the effect on individuals whose residence is not registered; reports of corruption in registration (April 2003 - July 2004)

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Although the registration of one's residence in Russia should simply involve informing the police of one's address (AI 1 Mar. 2004, 3), the federal law "On the Right of Citizens of the Russian Federation to the Freedom of Movement, Choice of Place of Stay and Residence Within the Territory of the Russian Federation" of June 1993 and Order No. 393 of the Ministry of Interior of the Russian Federation "On the Approval of the Instruction on the Application of the Rules of Registration and De-registration of Citizens of the Russian Federation at Their Places of Residence or Stay Within the Russian Federation" of 23 October 1995 provide that in order to register one's residence in Russia, one must present documentation proving one's identity and one's legal place of residence such as a lease or an owner's written consent for registration, certificate of ownership or proof of inheritance (UNHCR June 2004, 34). However, in order to evade paying taxes, landlords commonly do not enter into formal lease agreements and refuse to provide written consent for registration, thereby preventing individuals from obtaining documents necessary for residence registration (*ibid.*).

In addition, various regions throughout Russia have implemented their own legal instruments related to residence registration of newly arriving individuals, and some of these instruments conflict with the aforementioned federal law (*ibid.*). These legal instruments impose different restrictions on, or requirements for registering one's residence (*ibid.*). A June 2004 report by the United Nations High Commissioner for Refugees (UNHCR) indicates that examples of such restrictions and/or requirements include "the limitation of the period of registration, the presence of close relatives legally residing in the region, the payment of fees [and] the availability of a minimal [number] of square meters [of living space] per person" (*ibid.*). Although in various instances such requirements and restrictions have been declared to be unconstitutional, according to UNHCR, in reality the situation remains unchanged nonetheless, and as a result, regional legal instruments that contravene the federal law continue to be enforced (June 2004, 34). According to *Country Reports on Human Rights Practices for 2003*, such regional residence registration rules "closely resemble...the Soviet-era '*propiska*' (pass) regulations" (25 Feb. 2004, Sec. 2.d).

Extralegal implementation of residence registration, according to Amnesty International (AI), is prevalent throughout the Moscow and St. Petersburg regions and in Kaliningrad, Nizhnii Novgorod, Stavropol and Krasnodar (1 Mar. 2004, 3).

In practice, the system of residence registration in these regions is applied in a manner that discriminates against members of ethnic or national minorities (AI 1 Mar. 2004, 4; *ibid.* 2 Oct. 2003a, 2; *ibid.* 21 May 2003, 3; UNHCR June 2004, 32). *Country Reports on Human Rights Practices for 2003* also indicated that "[c]itizens changing residence within the country as well as persons with a legal claim to citizenship, who decide to move to the country from other former Soviet Republics, often faced great difficulties or simply were not permitted to register in some cities" (25 Feb. 2004, Sec. 2.d).

During a presentation at the May 2004 Ninth European Country of Origin Information Seminar held in Dublin, Ireland, a Moscow-based representative of the UNHCR stated that the residence registration system "does not work properly" and that with increasing numbers of migrants in cities, citizens face difficulties in registering their residence (26 May 2004). The representative also added that Chechens cannot obtain legal residence status outside of Chechnya (UNHCR 26 May 2004).

Persons found not to have their residence registered can be fined (AI 1 Mar. 2004, 3; UNHCR 26 May 2004; *ibid.* June 2004, 35). According to UNHCR, passport control measures are strictly enforced in Moscow, St. Petersburg and Southern Russia where "people without a registration can be subject to constant harassment by the police during document checks in the streets and at homes" (*ibid.*). According to the Moscow-based

representative of the UNHCR, there have been instances of harassment of persons whose residence had not been registered (26 May 2004).

Residence registration in Russia is necessary to "enjoy one's rights" (UNHCR 26 May 2004). Persons whose residence is not registered are denied access to pensions, child benefits, education, public services such as free medical services, unemployment allowances and will experience difficulties in registering house and vehicle purchases, marriages and deaths (AI 1 Mar. 2004, 5; UNHCR June 2004, 34). Further, when hiring staff, employers can choose only those people whose residence is legally registered (ibid.) and as of 11 August 2003, Moscow-based employers are required to obtain a special permit to hire persons whose residence is not registered in Moscow (AI 2 Oct. 2003b).

The system of residence registration has also been used to deny citizenship (ibid. 21 May 2003; ibid. 1 Mar. 2004, 5). In an open letter forwarded to the president of the Russian Federation, Vladimir Vladimirovich Putin, a coalition of non-governmental organizations indicated that according to the Law on Citizenship of the Russian Federation (2002), foreign nationals and stateless persons can apply for Russian citizenship provided that they have permanently resided in the Russian Federation for a period of five years since being granted a permanent residence permit (AI 21 May 2003). However, many of those residing in the country over the past ten to twelve years

...were denied permanent residence registration by local internal affairs departments for discriminatory reasons. Under the new legislation and associated enforcement practices they are therefore unable to get temporary residence permits and subsequently permanent residence permits. In effect, they are prevented from exercising their legal right to apply for citizenship (ibid.).

Furthermore, the letter indicates that individuals who cannot produce documentation as proof of their residence registration will be deemed to be staying in the country on a temporary basis and will therefore receive a migration card that entitles them to stay in the Russian Federation for a maximum of three months (ibid.). Failure to obtain a temporary "right to reside" following this three month term will, according to the law, result in deportation (ibid.). The aim of these laws, according to the coalition,

... is to bring to an end the permanent residency and citizenship rights of hundreds of thousands of former Soviet citizens, the majority of whom have been residing habitually and lawfully in the Russian Federation since the break up of the USSR. Now rendered illegal migrants, many face imminent deportation (ibid.).

Two sources indicated that corrupt practices by the police during the registration process and during spot checks were a problem (*Country Reports on Human Rights Practices for 2003* 25 Feb. 2004, Sec. 2.d; *Freedom in the World 2003* 2003).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Internet sites, including: Amnesty International (AI), BBC, Dialog/WNC, European Country of Origin Information Network (ECOI), Human Rights Watch (HRW), Radio Free Europe/Radio Liberty (RFE/RL).

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